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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 23 March 2001 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

In my capacity as Chairman of the Council of Arab Permanent Representatives in Geneva Members of the League of Arab States, I would like to enclose herewith the letter dated 23 March 2001, addressed to Professor John Dugard, Chairman of the human rights inquiry commission for Palestine, established by resolution S-5/1 adopted on 19 October 2000 by the fifth special session of the United Nations Commission on Human Rights, from the Council of Arab Permanent Representatives, concerning the inquiry commission's report.

The Council of Arab Permanent Representatives would appreciate if you could circulate the attached letter* to all members of the Commission as an official United Nations document.

(Signed): Fayza ABOULNAGA
Ambassador
Permanent Representative

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* Reproduced as received, in English only.

Annex

DELEGATION PERMANENTE
DE LA LIGUE DES ETATS ARABES
Auprès des Nations Unies
et des Organisations Internationales
GENEVE

Ref. 53/2001

Geneva 23 March 2001

Dear Sir,

In my capacity as chairman of the Council of Arab Permanent Representatives in Geneva Members of the League of Arab States, I would like to express the Council's appreciation for the information and the facts provided in the report of the Human Rights Inquiry Commission established by resolution S-5/1 adopted on 19/10/2000, by the Fifth Special Session of the United Nations Commission on Human Rights.

The Council views the report, which was prepared generally in line with the mandate given by the fifth special session of the CHR, as an important, objective and factual report describing the actual ongoing suffering and real tragic situation of the Palestinian People in the occupied Palestinian territories subjected to what tantamounts to an all out war by Israel the occupying power.

However, the Council considers paragraph 26 of the conclusions and recommendations of the report, due to the elements and proposals contained in it, as well as its formulation, as an unacceptable paragraph that should not have been part of the said report, for the following reasons:

1- The Palestinian refugees issue is governed by relevant U.N Resolutions, which cannot be altered or amended by any other body and as such does not relate to the mandate given to the inquiry commission.
2- The General Assembly in its resolution 194 dated 11 December 1948, affirms the right of return to the Palestinian People.
3- The General Assembly in its resolution 302 (IV) of 8 December 1949, established the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in the Near East, as the U.N Agency responsible for carrying out relief and works programs for Palestinian refugees.

4- The 1951 Convention Relating to the Status of Refugees, in its article 1D stipulates:

> "This convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance."

The Council of Arab Permanent Representatives, while reiterating its appreciation for the Commission's objective report wishes to draw the latter's attention to this extremely serious issue which constitutes a fundamental element in any effort towards realization of a just and durable peace in the Middle East.

The Council would also like to inform you that they will request to circulate this letter to all members of the CHR as an official United Nations document.

Please, accept sir, the assurances of my highest consideration.

Fayza ABOULNAGA
Ambassador, Permanent Representative
Of Egypt and the Chairman
Of the Arab Group
For the month of March 2001

Professor John Dugard
Chairman of Human Rights Inquiry Commission for Palestine
Palais Wilson
Geneva